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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

## WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

— ● —

# ENROLLED

HOUSE BILL No. 736

(By Mr. Harman & Mr. Millison)

— ● —

PASSED February 25, 1976

In Effect ninety days from Passage



C 641

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/5/76

**ENROLLED**

**H. B. 736**

(By MR. HARMAN and MR. MILLESON)

[Passed February 25, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact chapter one hundred thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy-two, relating to authorizing the creation of the Potomac highlands airport authority, specifying its powers and duties, membership, tax exemption for its property, funds and obligations, permitting the Mineral county commission, and county commissions of West Virginia counties contiguous to Mineral County, to enter into intergovernmental agreements with the state of Maryland, Allegheny County, Maryland, Maryland counties contiguous to Allegheny County, the city of Cumberland, Maryland, and other Maryland municipalities in such Maryland counties pertaining to the operation of an airport situated in Mineral County, West Virginia.

*Be it enacted by the Legislature of West Virginia:*

That chapter one hundred thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy-two, be amended and reenacted to read as follows:

**POTOMAC HIGHLANDS AIRPORT AUTHORITY.**

**§1. County commissions empowered to enter into intergovernmental agreements with Potomac highlands airport authority.**

- 1 The county commissions of Mineral County and of counties
- 2 contiguous to Mineral County, and the governing bodies of
- 3 municipalities situate in such counties, are hereby authorized
- 4 and empowered to enter into intergovernmental agreements

5 with the state of Maryland, Allegheny County, Maryland, and  
6 Maryland counties contiguous to Allegheny County, Cum-  
7 berland, Maryland, and other municipalities situate in such  
8 Maryland counties, and the Potomac highlands airport  
9 authority regarding the operation and use of the Cumberland  
10 municipal airport, and situate in Mineral County, West Vir-  
11 ginia. Such agreements shall be reciprocal in nature and may  
12 include, but shall not be limited to, conditions governing the  
13 operation, use, maintenance of airport facilities, taxation of  
14 aircraft owned by Maryland residents and others, and user fees.

**§2. Potomac highlands airport authority authorized.**

1 The county commissions of Mineral County and other  
2 counties contiguous thereto, and the governing bodies of  
3 municipalities situate in such counties, or any one or more  
4 of them, jointly and severally, are hereby authorized to  
5 create and establish, with proper governmental units of the  
6 state of Maryland, Allegheny County, Maryland, and other  
7 counties contiguous to Allegheny County, Cumberland, Mary-  
8 land, and other municipalities situate in such Maryland  
9 counties, or any one or more of them, a public agency to be  
10 known as the "Potomac Highlands Airport Authority" in the  
11 manner and for the purposes hereinafter set forth.

**§3. Authority a corporation.**

1 The authority when created, and the members thereof, shall  
2 constitute a public corporation and as such shall have perpetual  
3 succession, may contract and be contracted with, sue and  
4 be sued, and have and use a common seal.

**§4. Purposes.**

1 The authority is hereby authorized and empowered to  
2 acquire, equip, maintain, and operate an airport or landing  
3 field and appurtenant facilities in Mineral County on the  
4 Potomac River near Ridgeley, West Virginia, to serve the  
5 area in which it is located.

**§5. Members of authority.**

1 The management and control of the Potomac highlands  
2 airport authority, its property, operations, business and affairs  
3 shall be lodged in a board of seven or more persons who

4 shall be known as members of the authority and who shall  
5 be appointed for terms of three years each by such counties,  
6 municipalities or other governmental units situate in West  
7 Virginia and Maryland as contribute to the funds of the  
8 authority, in such proportion between such states and such  
9 counties, municipalities and units, and in such manner, as  
10 may from time to time be provided in the bylaws adopted by  
11 the authority: *Provided*, That the first board shall be  
12 appointed as follows:

13 (1) The county commission of Mineral County shall  
14 appoint two members for terms of two and three years,  
15 respectively;

16 (2) The governing official or body of the municipality  
17 of Cumberland, Maryland, shall appoint three members for  
18 terms of one, two and three years, respectively;

19 (3) The governing official or body of Allegheny County,  
20 Maryland, shall appoint two members for terms of one and two  
21 years, respectively.

**§6. Powers.**

1 The Potomac highlands airport authority is hereby given  
2 power and authority as follows:

3 (1) To make and adopt all necessary bylaws, rules and  
4 regulations for its organization and operations not inconsistent  
5 with law;

6 (2) To take all legal actions necessary or desirable in  
7 relation to the general operation, governance, capital ex-  
8 pansion, management and protection of the Cumberland  
9 municipal airport;

10 (3) To increase the number of members of the authority,  
11 and to set the terms of office and appointment procedures  
12 for such additional members;

13 (4) To elect its own officers, to appoint committees and  
14 to employ and fix the compensation for personnel necessary  
15 for its operation;

16 (5) To enter into contracts with any person, firm or  
17 corporation, and generally to do anything necessary for the

18 purpose of acquiring, equipping, expanding, maintaining and  
19 operating an airport as aforesaid;

20 (6) To delegate any authority given to it by law to any  
21 of its officers, committees, agents or employees;

22 (7) To apply for, receive and use grants in aid, donations  
23 and contributions from any sources;

24 (8) To take or acquire lands by purchase, holding title  
25 thereto in its own name;

26 (9) To purchase, own, hold, sell and dispose of per-  
27 sonal property and to sell and dispose of any real estate which  
28 it may have acquired and may determine not to be needed  
29 for its purposes;

30 (10) To borrow money;

31 (11) To extend its funds in the execution of the powers  
32 and authority hereby given;

33 (12) To take all necessary steps to provide for proper  
34 police protection at the airport; and

35 (13) To inventory airplanes and other personal property  
36 at the airport and provide the assessor of Mineral County  
37 and other proper governmental officials with full particulars in  
38 regard thereto.

#### **§7. Participation.**

1 The county commissions of Mineral County and of counties  
2 contiguous thereto, and the governing bodies of municipalities  
3 situate in such counties, or any one or more of them, jointly  
4 and severally, are hereby authorized and empowered to ap-  
5 point members of the said authority and to contribute to the  
6 cost of acquiring, equipping, maintaining and operating the  
7 said airport and appurtenant facilities.

8 Any of the foregoing county commissions or municipal  
9 corporations is hereby authorized and empowered to transfer  
10 and convey to the said authority property of any kind here-  
11 tofore acquired by said county commission or municipal  
12 corporation for airport purposes.

**§8. Funds and accounts.**

1 Contributions may be made to the authority from time to  
2 time by the various bodies contributing to its funds and  
3 shall be deposited in such bank or banks as a majority of  
4 the members of the authority may direct and shall be with-  
5 drawn therefrom in such manner as the authority may direct.

6 The authority shall keep strict account of all of its receipts  
7 and expenditures and shall make quarterly reports to the  
8 public and private bodies contributing to its funds containing  
9 an itemized account of its operations in the preceding quarter.  
10 The accounts of the authority shall be regularly examined by  
11 the state tax commissioner in the manner required by article  
12 nine, chapter six of the code of West Virginia.

**§9. Property and obligations of authority exempt from taxation.**

1 The authority shall be exempt from the payment of any  
2 taxes or fees to the state of West Virginia or any subdivisions  
3 thereof or to any officer or employee of the state or other  
4 subdivision thereof. The property of the authority shall be  
5 exempt from all local and municipal taxes. Notes, debentures  
6 and other evidence of indebtedness of the authority are de-  
7 clared to be issued for a public purpose and to be public  
8 instrumentalities, and, together with interest thereon, shall be  
9 exempt from taxes.

**§10. Sale or lease of property.**

1 In the event all of the public corporations contributing to the  
2 funds of the authority shall so determine the authority shall  
3 make sale of all of its properties and assets and distribute  
4 the proceeds thereof among those contributing to its funds; or  
5 in the event such of the supporting corporations contributing  
6 a majority of the funds of said authority shall so determine the  
7 authority may lease all of its property and equipment upon such  
8 terms and conditions as the authority may fix and determine.

**§11. Employees to be covered by workmen's compensation.**

1 All employees of the authority eligible thereto shall be  
2 deemed to be within the workmen's compensation act of  
3 West Virginia and premiums on their compensation shall be  
4 paid by the authority as required by law.

**§12. Liberal construction of act.**

1 It is the purpose of this act to provide for the maintenance  
2 and operation of an airport in a prudent and economical  
3 manner and this act shall be liberally construed as giving  
4 to the authority full and complete power reasonably required  
5 to give effect to the purposes hereof. The provisions of this  
6 act are in addition to and not in derogation of any power  
7 existing in the county commissions and municipal corporations  
8 herein named under any constitutional, statutory or charter  
9 provisions which they or either of them may now have, or  
10 may hereafter acquire or adopt.

**§13. Provisions severable.**

1 The several sections and provisions of this act are severable,  
2 and if any section or provision hereof shall be held uncon-  
3 stitutional, all the remaining sections and provisions of the  
4 act shall nevertheless remain valid.

**§14. When act goes into effect.**

1 This act shall become effective immediately upon the enact-  
2 ment by the state of Maryland of legislation, similar in nature  
3 to this act, providing for the Potomac highlands airport  
4 authority.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
Chairman Senate Committee

*Clarence R. Christensen*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. Dillon, Jr.*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*H. R. Bretherton*  
President of the Senate

*Louis A. McMane*  
Speaker House of Delegates

The within *approved* this the *4th*  
*March*  
day of \_\_\_\_\_, 1976.

*Arthur A. Maag, Jr.*  
Governor





PRESENTED TO THE  
GOVERNOR

Date 2/27/76  
Time 4:00 p.m.